

FEB 08 2021

Clerk, U.S. Courts  
District of Montana  
Missoula Division

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BUTTE DIVISION

STEPHEN P. KELLY,  
General Delivery,  
U.S. Post Office.

WOLF CREEK, MT 59648,  
Plaintiff,

VS. CASE NO. CV 20-56-BU-BMM-JTJ.

THE CHURCH OF JESUS  
CHRIST OF LATTER-DAY  
SAINTS, A SOLE UT OH  
corporation, RUSSELL M.  
NELSON, in his official  
capacity, DAVID A. BEDNAR,  
in his official capacity,

JEFFREY R. HOLLAND, in  
his official capacity,  
DIETER F. UCHTDORF, in  
his official capacity, and  
NEIL L. ANDERSON, in his  
official capacity, jointly,  
50 E. North Temple Street,  
SALT LAKE CITY, UTAH  
84150, Defendants(s).

### AMENDED COMPLAINT

comes now the Plaintiff  
in the above captioned  
matter and does show  
cause for complaint as  
follows:

(1) This is an action  
sustained by, STEPHEN P.  
KELLY, hereinafter, Plaintiff  
KELLY, and sues the  
Defendant's JOINTLY, THE  
CHURCH OF JESUS CHRIST  
OF LATTER-DAY SAINTS, a  
Utah corporation; RUSSELL

M. NELSON, in his official capacity, DAVID A. BEDNAR, in his official capacity, JEFFREY R. HOLLAND, in his official capacity, DIETER F. UCHTDORF, in his official capacity, and NEIL L. ANDERSON, in his official capacity, Alleging:

(a) Violation of freedom of religious choice, (b) violation of free speech, (First Amendment), (c) unlawful concealment of church record's, and, (d) unlawful withholding of church membership.

## PARTIES

(1) Corporate defendant's, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, exists as a sole Utah corporation and obtains official oversight of its words

within numerous states,  
which is made up of church  
jurisdictional stakes as  
such.

(3) capacity defendant,  
RUSSELL M. NELSON, acts in  
his official capacity as  
President of the church  
of Jesus Christ of Latter-  
Day Saints. He obtains  
primary authority over  
all matters world-wide,  
and obtains paramount and  
final decisions over all  
matters!

(4) capacity defendant,  
DAVID A. BEDNAR, acts in  
his official capacity as  
Lead Apostle, and is  
charged by church mandate  
to decide upon any request  
submitted by a church  
member seeking to termin-  
-ate and remove their  
official church membership  
from the L.D.S. church.

(5) capacity defendant,  
JEFFREY R. HOLLAND, acts  
in his official capacity as  
an official member of the  
apostle board whom which  
makes a joint decision  
together with the other  
apostle's assigned to the  
concise quorum as to a  
member of the church whom  
which presents a written  
request to the church to  
terminate and remove their  
membership.

(6) capacity defendant,  
DIETER F. UCHTDORF, acts in  
his official capacity as an  
official member of the  
apostle board whom which  
makes a joint decision  
together with the other  
apostle's assigned to the  
concise quorum as to a  
member of the church  
whom which presents a  
written request to the  
church to terminate and

remove their membership.

(7) capacity defendant, NEIL L. ANDERSON, acts in his official capacity as an official member of the apostle board whom which makes a joint decision together with the other apostles assigned to the concise quorum as to a member of the church whom which presents a written request to the church to terminate and remove their membership.

#### NATURE OF THE CASE

(8) At issue is a sincere (free speech) violation and (interference), secured pursuant to the first Amendment, where joint defendant's has in fact

based a most unlawful decision in which to deny and deprive Plaintiff, of his lawful right in which to terminate his own church membership with the Church of Jesus Christ of Latter-Day Saints.

#### JURISDICTION AND VENUE

(9) This court obtains jurisdiction over this case based upon diversity of citizenship, where all parties are citizens of different states. 28 U.S.C. § 1332.

(10) Corporate defendant's, obtains its principal place of business in the state of Utah, and is doing business in the state of Montana.

(11) capacity defendant,  
RUSSELL M. NELSON, is the  
President of the church  
of Jesus Christ of Latter-  
Day Saints, and has resided  
in the state of Utah at  
all times material to  
this action.

(12) capacity defendant,  
DAVID A. BEDNAR, is a  
resident of the state of  
Utah, and has resided in  
Utah at all times material  
to this action.

(13) capacity defendant,  
JEFFREY R. HOLLAND, is a  
resident of the state of  
Utah, and has resided in  
Utah at all times material  
to this action.

(14) capacity defendant,  
DIETER F. UCHTDORF, is a  
resident of the state of  
Utah, and has resided in

Utah at all times material to this action.

(15) Capacity defendant, NEIL L. ANDERSON, is a resident of the state of Utah, and has resided in Utah at all times material to this action.

(16) Further jurisdiction of the court is predicated on violations of the first Amendment. (Freedom of religious choice), and (free speech).

(17) Plaintiff, STEPHEN P. KELLY, is a resident of the State of Montana, and has resided in Montana at all times material to this action.

(18) Venue is proper in the district of Montana because each event giving rise to this action, and

Plaintiff's concise injury and damages accrued in the district of Montana. 28 U.S.C. § 1331.

(19) The financial amount of damages in dispute is in excess of \$75,000.

#### STATEMENT OF FACTS

(20) Upon the face of this "ongoing" issue, the defendant's jointly, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, and the concise four apostles named within this amended civil complaint, including the president of the church, RUSSELL M. NELSON, is and has been, refusing with clear intent to honor Plaintiff, KELLY's religious based freedoms and rights in which to have his own L.D.S., church membership.

terminated and removed from the official church record's !

(21) Plaintiff, KELLY, to date, and for a time period of in excess of six month's now has directed church official's in utah to without further delay, and interference to terminate and remove his official church membership from the record's in salt lake city !

(22) Now, new and plausible information rises where, there are in fact four consecutive apostles at the church headquarter's in salt lake city utah whom which reside upon a church board over deciding if a member may in fact terminate their own L.P.S., church membership or not !!

(23) This right here alone severely violates KELLY's rights secured under the first amendment, (a) violation of freedom of religious choice, and (b) violation of free speech!

(24) The church's legal department in Salt Lake City, Utah has in fact made direct phone contact with Plaintiff, KELLY, and made most clear to him that the official apostle board, articulating in the phone visit, defendant's, (1) David A. Bednar, (2) Jeffrey R. Holland, (3) Dieter F. Uchtdorf, and (4) Neil L. Anderson, has now on the concise date of December, 4<sup>th</sup>, 2020, based a sincere decision that KELLY's membership may not be terminated, or removed! without reason or cause!!!

(25) Upon a direct  
written appeal addressed  
to Pres. RUSSELL M. NELSON,  
He, NELSON, also ratified,  
and condoned the apostle  
board's frivolous decision!

(26) Plaintiff, KELLY, now  
and to date suffers new  
and additional injury  
and real, and actual,  
damages solely caused  
and brought upon at the  
hands of so int defendant's,  
together and each of them,  
the apostle decision board  
made up of, Bednar,  
Holland, Uchtdorf, and  
Anderson, including the  
final and adopted decision  
of church Pres. RUSSELL  
M. NELSON.

(27) The new and actual  
injury, and civil damages  
now rise where Plaintiff,  
KELLY for a lengthy time  
frame ever since December,

2020, has been unable to  
join, and place member-  
ship in a Christian,  
Church, Baptist church,  
in results that joint  
defendant's are right out  
refusing to, (a) remove  
his legal name from L.D.S.,  
church record's in Salt  
Lake City, Utah and (b) to  
further provide KELLY with  
an official termination  
letter verifying termination  
of L.D.S., church membership,  
severely interfering,  
and preventing KELLY from  
placing membership in his  
new attending Christian,  
Baptist church, for these  
month's now post! (spirit-  
ual), and emotional injury  
now exists!

#### CLAIM ONE

(28) joint defendant's have  
in fact violated, and contin-  
ue to violate Plaintiff's

freedom of religious choice  
in refusing with clear  
intent to remove and  
terminate Plaintiff's  
official church membership.

### CLAIM TWO

(29) point defendant's have  
violated, and continue to  
violate Plaintiff's lawf-  
ully secured right to  
free speech in his own  
church membership being  
terminated at his own  
free choice.

### CLAIM THREE

(30) unlawful concealment  
exists as primary factor,  
where church official's are  
in fact withholding Plain-  
tiff's church membership  
against privilege or consent  
Per Plaintiff.

RELIEF

WHEREFORE, upon the premises considered, it is respectfully requested upon this honorable court the entry of a judgment as follows:

- (a) enter declaratory judgment finding that Plaintiff is lawfully entitled to ensure his L.D.S. church membership be terminated without further delay.
- (b) enjoin defendant's from continuing to deny Plaintiff, of his L.D.S. church membership being terminated and removed from church record's.
- (c) award Plaintiff, with actual and punitive damage awards in an amount of \$200,000, or an amount as deemed proper per this court.

I declare under penalty  
of perjury the foregoing  
to be true and correct.

signed this 6<sup>th</sup>, day of  
February, 2021.

Stephon F. Kelly  
(SIGNATURE OF PLAINTIFF)